

**Notice of Allowability**

Application No.

10/729,628

Examiner

Jaworski Francis J.

Applicant(s)

PAL ET AL.

Art Unit

3768

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response 9/4/7.
2. ☒ The allowed claim(s) is/are 1 - 80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 2/6/4, 8/31/4
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Francis J. Jaworski  
Primary Examiner

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

On specification page first, status of the copending case has been updated by insertion into line 6 after " 2002 " of -- and now U.S. Patent No. 6,689,087 -- .

On page 4 line last " can " has been changed to -- and -- to reflect integral construction of capture member and barrier.

The following is an examiner's statement of reasons for allowance:

While the specification in this application on pages 5 and 6 indicates that there is overlap between the terms ' free mass ' and 'frequency compensation coupler' they are intrinsically of non-identical scope since the latter can be tethered and effect its purpose, and the claim in US6,689,087 is directed to be directed to a different combination for double-patenting purposes including inter alia a barrier element and cooling jacket and catheter construct, and where the horn proper is not per se claimed as receiving the resonator probe proximal portion. .

McMaster et al (US3475628) is directed to a horn 5 fixedly secured to a housing with piezomotive force and having a capturing mechanism 7b,c for retaining a resonator probe 11a, b.

Libby (US3595325) is directed to a resilient contact member 6, 9 restrained to approximate horn 1 and transmission member 10.

Likins US3672454 is directed to a capture mechanism 4 drawing on McMaster et al together with a spring 10 back-biasing the entrapped resonator probe 8 against the horn portion 2.

Peyman et al (US4428748) is directed to a horn 85 which receives a distal portion of a resonator tool which is bi-directionally spring-biased within a capture mechanism with a mass 68 rigidly attached thereto. However all lack inclusion inter alia of a free mass into the claimed combinations of the base claims.

Non-elected claims 22, 49 and 76 are rejoined to the application as now dependent upon allowed generic claims.

The specification changes filed on February 18, 2005 have been approved.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Application/Control Number:  
10/729,628  
Art Unit: 3768

Page 4

Any inquiry concerning this communication should be directed to Jaworski  
Francis J. at telephone number 571-272-4738.

FJJ:fjj

12/12/07

  
Francis J. Jaworski  
Primary Examiner